

HOUSE BILL No. 1300

DIGEST OF INTRODUCED BILL

Citations Affected: IC 15-2.1-2-29.7.

Synopsis: Labeling standards for milk. Provides that dairy products are misbranded if the labeling contains compositional claims that cannot be confirmed through laboratory analysis or can only be supported by sworn statements, affidavits, or testimonials.

Effective: July 1, 2008.

Friend, Grubb, Walorski, Pflum

January 15, 2008, read first time and referred to Committee on Agriculture and Rural Development.

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Second Regular Session 115th General Assembly (2008)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2007 Regular Session of the General Assembly.

HOUSE BILL No. 1300

A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 15-2.1-2-29.7 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 29.7. "Misbranded"
3 means a food product that meets at least one (1) of the following
4 conditions:

- 5 (1) If the product's labeling is false or misleading in any way.
- 6 (2) If the product is offered for sale under the name of another
7 food.
- 8 (3) If the product is an imitation of another food, unless the
9 product's label bears, in type of uniform size and prominence, the
10 word "imitation" and immediately afterward, the name of the food
11 imitated.
- 12 (4) If the product's container is made, formed, or filled in a
13 manner that is misleading.
- 14 (5) If in packaged form, unless the product bears a label showing
15 the following:
 - 16 (A) The name and place of business of the manufacturer,
17 packer, or distributor.



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- 1 (B) An accurate statement of the quantity of the product in
 2 terms of weight, measure, or numerical count.
- 3 (6) If a word, statement, or other information required under this
 4 chapter or the rules adopted under this chapter to appear on the
 5 label or other labeling is not prominently placed on the label with
 6 such conspicuousness (as compared with other words, statements,
 7 designs, or devices in the labeling) and in terms making it likely
 8 to be read and understood by the ordinary individual under
 9 customary conditions of purchase and use.
- 10 (7) If the product purports to be or is represented as a food for
 11 which a definition and standard of identity or composition has
 12 been prescribed by the rules of the board unless:
- 13 (A) the product conforms to the definition and standard; and
 14 (B) the product's label bears the name of the food specified in
 15 the definition and standard and, as required by rules of the
 16 board, the common names of optional ingredients other than
 17 spices, flavoring, and coloring present in the food.
- 18 (8) If the product purports to be or is represented as a food for
 19 which a standard or standards of fill of container have been
 20 prescribed by rules of the board and the product falls below the
 21 applicable standard of fill of container unless the label bears, in
 22 a manner and form that the rules specify, a statement that the
 23 product falls below that standard.
- 24 (9) If the product's label does not bear the following:
- 25 (A) The common or usual name of the food, if any.
 26 (B) If the product is fabricated from at least two (2)
 27 ingredients, the common or usual name of each ingredient.
 28 However, spices, flavorings, and colorings may, when
 29 authorized by the state veterinarian, be designated as spices,
 30 flavorings, and colorings without naming each ingredient.
- 31 (10) If the product purports to be or is represented for special
 32 dietary uses, unless the product's label bears information
 33 concerning the product's vitamin, mineral, and other dietary
 34 properties that the board determines to be necessary to fully
 35 inform purchasers of the product's value for such uses as set forth
 36 in rules adopted by the board.
- 37 (11) If the product bears or contains artificial flavoring, artificial
 38 coloring, or a chemical preservative, unless the product bears
 39 labeling stating that fact.
- 40 (12) If the product fails to bear directly on the product and on the
 41 product's containers, information the board prescribes by rule,
 42 including an official mark, to ensure that the product will not have

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1 false or misleading labeling and that the public will be reasonably
2 informed about the product.

3 **(13) For dairy products, if the labeling contains a:**

4 **(A) compositional claim that cannot be confirmed through**
5 **laboratory analysis; or**

6 **(B) compositional or production-related claim that is**
7 **supported solely by sworn statements, affidavits, or**
8 **testimonials.**

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